

1 JOHN L. KRIEGER (Nevada Bar No. 6023)
jkrieger@lrlaw.com

2 JENNIFER K. CRAFT (Nevada Bar No. 8038)
jcrafft@lrlaw.com

3 LEWIS AND ROCA LLP
3993 Howard Hughes Parkway, Suite 600
4 Las Vegas, NV 89169
(702) 949-8200
5 (702) 949-8398 fax

6 MARYA LENN YEE (New York Bar No. 4608)
(*pro hac vice application to be submitted*)

7 ANDREA L. CALVARUSO (New York Bar No. AC 0514)
(*pro hac vice application to be submitted*)

8 DONOVAN & YEE LLP
The Soho Building
9 110 Greene Street, Suite 700
New York, New York 10012
10 (212) 226-7700

11 Attorneys for Plaintiff

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14 **UNITED STATES DISTRICT COURT**

15 **DISTRICT OF NEVADA**

16 MISS UNIVERSE L.P., LLLP, a Delaware
limited liability limited partnership,

17 Plaintiff,

18 v.

19 ADAN S. PEREZ, and individual; LUZ S.
20 BOLIVAR, and individual; and THE MISS
21 MEXICO ORGANIZATION LLC, a Nevada
limited liability company

22 Defendants.

CASE NO.

COMPLAINT

23
24 Plaintiff Miss Universe L.P., LLLP (“Miss Universe”), by and through its attorneys, brings
25 this action against defendants Adan S. Perez (“Perez”), Luz S. Bolivar (“Bolivar”), and The Miss
26 Mexico Organization LLC (“Miss Mexico”) (collectively, “Defendants”) and alleges as follows:
27

THE PARTIES

1
2 1. Miss Universe is a Delaware Limited Liability Limited Partnership with a principal
3 place of business at 1370 Avenue of the Americas, New York, New York 10019.

4 2. Upon information and belief, Defendant Perez is a United States citizen who
5 resides at 6978 Emerald Springs Lane, Las Vegas, Nevada 89113, and has a principal place of
6 business at 1504 South Maryland Parkway, Las Vegas, Nevada 89104.

7 3. Upon information and belief, Defendant Bolivar is a United States citizen and
8 resident of the State of Nevada, with a principal place of business at 1504 South Maryland
9 Parkway, Las Vegas, Nevada 89104.

10 4. Upon information and belief, Defendant Miss Mexico is a Nevada limited liability
11 company with a principal place of business at 1504 South Maryland Parkway, Las Vegas, Nevada
12 89104 and is jointly owned by Defendants Perez and Bolivar.

13 5. Upon information and belief, Defendant Perez is a founder and Chief Executive
14 Officer of Defendant Miss Mexico and is a dominant and controlling force in the infringing
15 activities complained of herein.

16 6. Upon information and belief, Defendant Bolivar is a founder and Executive
17 Director of Defendant Miss Mexico and is a dominant and controlling force in the infringing
18 activities complained of herein.

19 7. Upon information and belief, Adaluz Enterprises, Inc. was the predecessor
20 corporation to Defendant Miss Mexico owned jointly by Perez and Bolivar, which was organized
21 as a corporation under the laws of the State of Nevada and was dissolved on or about May 30,
22 2003.

JURISDICTION AND VENUE

23
24 8. Miss Universe brings this action under the Copyright Act of 1976, 17 U.S. C. §§
25 101, et seq. (the “Copyright Act”), the Lanham Trade-Mark Act, 15 U.S.C. §§ 1051 et seq. (the
26 “Lanham Act”), and the laws of the Nevada, including N.R.S. § 600.435 and N.R.S. § 598.0915 et
27 seq., against Defendants for, *inter alia*, willful infringement of Miss Universe’s registered

copyright and trademarks, unfair competition and false designation of origin or sponsorship, common law trademark infringement, and trademark dilution and disparagement.

9. This Court has jurisdiction pursuant to Sections 39(a) of the Lanham Act and 28 U.S.C. § 1331 and 1338 over causes of action arising under the Lanham Act 15 U.S.C. § 1114(1), 1125(a) and (c) and Sections 501, et seq. of the Copyright Act, and pursuant to 28 U.S.C. § 1338 and 1367 over causes of action created by the laws of the State of Nevada.

10. Venue is proper under 28 U.S.C. § 1391(b) and (c) in that each of the Defendants conduct business in this District, a substantial portion of the activity of which Plaintiff complains took place in this District, Defendants are subject to personal jurisdiction in this District, and the individual Defendants are conscious, active and dominant forces in the infringing activity complained of herein. Venue lies in the unofficial Southern division of this Court.

A. PLAINTIFF'S MISS USA PROPERTY

11. For over fifty years, Miss Universe and its predecessors-in-interest have used the MISS USA mark throughout the United States and the world in connection with beauty pageants and related goods and services (the "MISS USA Pageant"). The winner of the MISS USA Pageant competes in Miss Universe's international pageant against contestants from other countries.

12. Miss Universe is the owner of the following U.S. trademark and servicemark registrations for its MISS USA mark:

<u>Trademark</u>	<u>Registration No.</u>	<u>Registration Date</u>	<u>Class</u>
MISS USA	810421	Jun. 28, 1966	Int.28
MISS USA	808974	May 24, 1966	Int.35
MISS USA PAGEANT	847877	Apr. 23, 1968	Int.16
MISS USA	1710147	Aug. 25, 1992	Int.25
MISS USA	1601484	Jun. 12, 1990	Int.41
MISS USA	1372745	Nov. 26, 1985	Int.25

1 13. All the above registrations are valid and subsisting and have become incontestable
2 pursuant to Section 15 of the Lanham Act. 15 U.S.C. § 1065.

3 14. Miss Universe is also the owner of the U.S. trademark MISS TEEN USA (Reg. No.
4 1660124), and variant marks including the MISS [STATE] USA and MISS [STATE] TEEN USA
5 Marks for all 50 states and the District of Columbia, which it licenses throughout the United States
6 for organizing and conducting preliminary pageants to select contestants for the MISS USA and
7 MISS TEEN USA national pageants. A list of some of these registrations is attached as Exhibit 1
8 hereto.

9 15. Plaintiff is also the owner of U.S. Trademark Registration No. 2, 877,681 for the
10 unique design of its MISS USA Crown, which together with the MISS UNIVERSE Crown
11 (U.S. Reg. No 2,838,874) and MISS TEEN USA Crown (U.S. Reg. No. 2,838,872) (collectively
12 “Crown Designs”), was created exclusively as a work for hire for Plaintiff by Mikimoto, the
13 world-famous luxury jeweler.

14 16. True copies of sample trademark registration certificates of the MISS USA and
15 variant marks, and the Crown Designs (collectively, the “MISS USA Marks”) are attached hereto
16 as Exhibit 2.

17 17. Plaintiff is also the owner of a valid and subsisting U.S. Copyright Registrations for
18 the Crown Designs, including No. VA 1-229-262 for the MISS USA Crown, VA 1-159-520 for
19 the MISS UNIVERSE Crown, and VA 1-159-521 for the MISS TEEN USA Crown. The Crown
20 Designs are used extensively in the promotion of Plaintiff’s beauty pageants. A copy of the
21 Copyright Registrations and corresponding deposit copies for the Crown Designs are attached
22 hereto as Exhibit 3.

23 18. Over the years, Plaintiff has extensively promoted its MISS USA Marks at beauty
24 pageants held and broadcast on television throughout the United States and the world. Plaintiff’s
25 MISS USA and MISS TEEN USA contests have been held and broadcast on television nationwide
26 from different locations throughout the United States each year, including recent pageants in
27 Baltimore, Maryland, Los Angeles, California, San Antonio, Texas, and Palm Springs, California.

1 The 2008 MISS USA Pageant will be held and broadcast live on the NBC television network from
2 the Planet Hollywood Resort and Casino in Las Vegas, Nevada on April 11, 2008.

3 19. Plaintiff's MISS USA Marks are prominently displayed at each pageant production
4 and television broadcast, as well as on souvenirs such as programs, posters, calendars, swimwear
5 and t-shirts. In addition, all advertisements and promotional material for each production feature
6 Plaintiff's respective MISS USA and MISS TEEN USA Marks. Each of Opposer's MISS USA
7 and MISS TEEN USA pageants are featured on national television annually with viewership of
8 millions of U.S. viewers per pageant. These pageants are also licensed for broadcast in dozens of
9 countries and territories worldwide each year. In addition to broadcast of the pageants themselves,
10 there is substantial media coverage of Plaintiff's MISS USA and MISS TEEN USA events each
11 year.

12 20. The MISS USA Marks, as applied to Plaintiff's pageants, are now amongst the
13 best-known trademarks in the world. The mark MISS USA, the sash bearing the mark MISS USA
14 worn by its titleholder, and the MISS USA Crown are all valuable indicia of the MISS USA
15 Pageant and its related goods and services.

16 21. By virtue of the excellence of Plaintiff's services and Plaintiff's long use, extensive
17 promotion, advertising and unsolicited publicity relating to its MISS USA Marks, its beauty
18 pageants and related goods and services, Plaintiff has established a valuable reputation and has
19 achieved enormous goodwill of great value to Plaintiff in its MISS USA Marks and related
20 indicia, including the Crown Designs, throughout the world.

21 22. In addition to its MISS USA Pageants, Plaintiff and its predecessors-in-interest
22 have established a valuable reputation and have achieved enormous goodwill of great value to
23 Plaintiff in its MISS UNIVERSE mark throughout the world used the in connection with its
24 world-famous MISS UNIVERSE Pageant, in which the titleholder of the MISS USA Pageant
25 competes against contestants from other countries for a world wide title.

26 23. Plaintiff's MISS USA Marks, and associated indicia including the Crown Designs,
27 are exclusively associated with Plaintiff and its famous beauty pageants and related goods and

1 services. Plaintiff's MISS USA Marks have acquired secondary meaning and are world famous as
 2 a matter of law. The MISS USA Marks became famous long prior to Defendants' adoption and
 3 use of the marks MISS MEXICO USA and SEÑORITA MEXICO USA.

4 **B. DEFENDANTS' INFRINGING ACTIVITIES**

5 24. Upon information and belief, Defendants have promoted and operated beauty
 6 pageants and related services for women of Mexican heritage in Las Vegas, Nevada since
 7 approximately 2004 under the business names Adaluz Enterprises, Inc., Adaluz International,
 8 Amadeus Management, Inc., and The Miss Mexico Organization LLC. Defendants' pageants
 9 were held at the Stardust Hotel and Casino in 2006 and 2007.

10 25. Upon information and belief, Defendants began promoting and operating beauty
 11 pageants in the United States under the mark MISS MEXICO USA and SEÑORITA MEXICO
 12 USA (collectively "MEXICO USA Pageants") in approximately February 2008.

13 26. In August 2004, Defendant Perez filed a trademark application with the United
 14 States Patent and Trademark Office for the mark SEÑORITA MEXICO, USA (Ser. No.
 15 78465954) based upon his intent to use the mark in connection with "entertainment in the nature
 16 of beauty pageants for U.S. residents of Mexican origin" ("Defendant's Application").

17 27. Upon information and belief, Defendant Perez has also reserved the Internet
 18 domain name <missmexicousa.com> and intends to use the domain name in connection with
 19 promotion and organization of Defendants' MEXICO USA Pageants, and the sale of related goods
 20 and services.

21 28. Plaintiff first became aware of Defendants' intention to use of the SEÑORITA
 22 MEXICO USA mark in connection with beauty pageants via a watch notice regarding Defendant's
 23 Application. Shortly after receiving notice of Perez's trademark filing, Plaintiff's counsel sent a
 24 cease and desist letter to Perez dated September 16, 2005, objecting to his use of the mark
 25 SEÑORITA MEXICO USA or MISS MEXICO USA, and his application to register the mark
 26 SEÑORITA MEXICO USA.

1 29. On December 13, 2005, Plaintiff commenced an Opposition proceeding with the
2 Trademark Trial and Appeal Board of the U.S. Patent and Trademark Office (“T.T.A.B.”)
3 (Opp. No. 91168197) (“Opposition Proceeding”), objecting to Defendant Perez’s registration of
4 the SEÑORITA MEXICO, USA mark on the basis that his registration and use of the mark is
5 likely to create confusion and deceive purchasers into believing that Defendants’ services originate
6 with or are in some way sponsored, endorsed, licensed, associated or otherwise authorized or
7 connected with Miss Universe and that such registration and use is also likely to dilute the MISS
8 USA and MISS TEEN USA marks as source designations for Plaintiff’s world-famous pageants
9 and pageant services.

10 30. In response to Interrogatories, Document Requests, and Requests for Admissions
11 served upon him in the Opposition Proceeding, Perez continually denied he had commenced use
12 of the mark SEÑORITA MEXICO USA. Plaintiff’s independent investigations in 2005 and 2006
13 did not reveal any use of the marks SEÑORITA MEXICO USA or MISS MEXICO USA by Perez
14 or Defendants.

15 31. During the course of the Opposition Proceeding, Perez admitted that Defendants’
16 pageant website is located at www.adaluz.com (“Defendants’ Website”).

17 32. On or about about March 6, 2008, Plaintiff’s counsel reviewed Defendants’
18 Website and discovered Defendants were predominantly displaying unauthorized exact copies of
19 the copyrighted MISS USA Crown on its homepage and other pages, in connection with the
20 promotion of its MEXICO USA Pageants.

21 33. On or about March 6, 2008, Plaintiff’s counsel also discovered that Defendants had
22 commenced use of the marks SEÑORITA MEXICO USA and MISS MEXICO USA on
23 Defendants’ Website, in press releases, and in video promotions for the pageant broadcast on
24 Univision.com, despite full knowledge of Plaintiff’s objection thereto, including the ongoing
25 Opposition Proceeding.

26 34. On or about March 6, 2008, Plaintiff’s counsel also discovered that Defendants
27 were displaying images taken at Plaintiff’s MISS UNIVERSE Pageant on the “Photo Gallery”

1 section of Defendants' Website, together with images of Defendants' beauty pageants. For
2 example, Defendants' Website includes an "Activites" page that displays an entire "photo album"
3 of images entitled "Miss Universe," which were taken at Plaintiff's MISS UNIVERSE Pageant.
4 These images include photos of Donald Trump with Defendants Perez and Bolivar, and Plaintiff's
5 MISS USA and MISS UNIVERSE titleholders and contestants. These images are displayed on
6 Defendants' Website together with captions which include Plaintiff's trademarks, in a deliberate
7 attempt to create a false association between Defendants and Plaintiff's world-famous MISS
8 UNIVERSE and MISS USA pageants. Pages from Defendants' website are attached hereto as
9 Exhibit 4.

10 35. Pending the final disposition of this Action, Plaintiff is seeking suspension of its
11 pending Opposition (No. 91168197) to Defendant Perez's trademark application for SEÑORITA
12 MEXICO, USA, which is currently pending before the T.T.A.B.

13 36. Upon information and belief, Defendants solicit potential sponsors and contestants
14 located across the United States for its pageants. Defendants target this judicial district in
15 marketing and promoting their pageants, in connection with which they use the marks SEÑORITA
16 MEXICO USA and MISS MEXICO USA ("MEXICO USA Marks") and an unauthorized copy of
17 the MISS USA Crown.

18 37. The homepage and other pages of the Defendants' Website has and does
19 predominately display unauthorized exact copies of Plaintiff's MISS USA Crown, in which
20 Plaintiff owns U.S. Copyright and Trademark Registrations. Defendants' copying was willful and
21 designed to trade upon the reputation for quality and goodwill which Plaintiff has expended great
22 time, effort and funds to maintain. Compare screen shots of these pages of the Defendants'
23 Website attached hereto as Exhibit 5 with Deposit copy for Plaintiff's Copyright Registration for
24 MISS USA Crown attached hereto as Exhibit 2.

25 38. Defendants' Website also has and does use the marks SEÑORITA MEXICO USA
26 and MISS MEXICO USA, and an unauthorized copy of the MISS USA Crown, to promote,
27 advertise and identify their MEXICO USA pageants and to solicit contestants for these pageants.

1 The Defendants' Website provides the rules and regulations for those interested in becoming
2 contestants in the MEXICO USA pageants and allows visitors to the website to complete an
3 application form online to become a contestant in Defendants' pageants. The Defendants'
4 Website also provides links to Defendants' email address so that interested website visitors can
5 interact with Defendants to obtain further information about becoming a contestant or sponsor of
6 Defendants' pageants.

7 39. Upon information and belief, Defendants also use the marks SEÑORITA MEXICO
8 USA and MISS MEXICO USA to promote and advertise their pageants in the national press,
9 including press releases displayed on the Defendants' Website. Upon information and belief,
10 Defendants have plans to expand the promotional reach of its pageants nationwide, including
11 increased solicitation of contestants and sponsors across the United States.

12 40. Upon information and belief, Defendants' adoption and use of the marks
13 SEÑORITA MEXICO USA and MISS MEXICO USA, including its trademark application for the
14 mark SEÑORITA MEXICO, USA and its unauthorized copying and use of the MISS USA
15 Crown, for which Plaintiff owns both Copyright and Trademark Registrations, is willful as a
16 matter of law, having been adopted with knowledge of and intent to trade on and benefit from the
17 goodwill established in the MISS USA Marks and Crown Designs by Miss Universe for beauty
18 pageants.

19 41. Defendants' infringement of the MISS USA Marks has occurred despite actual
20 notice and full knowledge of Plaintiff's prior rights and registrations in and to the world famous
21 MISS USA Marks and with the intent to trade on and benefit from the goodwill established in the
22 MISS USA Marks by Miss Universe. Despite Plaintiff's institution of an Opposition Proceeding
23 in the TTAB to prevent Defendant's registration of the SEÑORITA MEXICO USA mark,
24 Defendants blatantly reproduced and display an exact copy of Plaintiff's copyrighted and
25 trademarked MISS USA Crown design on their pageant website, together with the marks
26 SEÑORITA MEXICO USA and MISS MEXICO USA, and images of Defendants with Plaintiff's
27

1 titleholders and Mr. Trump at a MISS UNIVERSE pageant, to identify, promote and advertise
2 their company and their pageant services.

3 42. Defendants' adoption and use of the MISS USA Crown, and the SEÑORITA
4 MEXICO USA and MISS MEXICO USA marks is therefore willful as a matter of law pursuant to
5 15 U.S.C. 1117(b). By their willful infringement of Miss Universe's Marks, Defendants are
6 seriously and irreparably damaging Miss Universe and the goodwill it has accumulated for over
7 50 years.

8 43. Defendants' acts infringe as a matter of law, and unfairly compete with the MISS
9 USA Marks. Defendants' acts will also dilute the reputation of Miss Universe for the promotion
10 and operation of high quality pageant services.

11 44. For all of the foregoing reasons, Defendants' use and registration of the
12 SEÑORITA MEXICO USA mark, and its use of the MEXICO USA Marks is likely to result in
13 confusion and is likely to mislead the public into falsely believing that Miss Universe sponsors,
14 approves, licenses, or is associated or affiliated with the Defendants, and Defendants' pageants.
15 Such confusion is exacerbated by Defendants' unauthorized use of a copy of the MISS USA
16 Crown and photos of Defendants Perez and Bolivar with Plaintiff's titleholders and Mr. Trump,
17 and is clearly intended to mislead consumers and to trade on the good will in the MISS USA
18 Marks.

19 45. Defendants' intentional and unauthorized use of the marks SEÑORITA MEXICO
20 USA and MISS MEXICO USA is also likely to dilute the famous MISS USA Marks as a source
21 designation for Miss Universe's world-famous pageants and pageant services.

22 **COUNT I**

23 (Willful Copyright Infringement
24 in Violation of 17 U.S.C. § 101 *et seq.*)

25 46. Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 45
26 as if fully set forth herein.

27 47. Defendants, with full knowledge of Plaintiff's rights, willfully infringed Plaintiff's
copyrighted Crown Designs by reproducing and displaying an exact copy of Plaintiff's MISS USA

1 Crown design, which is also substantially similar to, and is copied and derived from the
2 copyrightable elements of the Crown Designs in violation of Plaintiff's rights under the Copyright
3 Act.

4 48. Upon information and belief, Defendants copied the MISS USA Crown Design
5 intentionally and despite notice of Plaintiff's copyrights for the specific purpose of infringing
6 Plaintiff's copyrights.

7 49. By reason of Defendants' intentional and willful copyright infringement of the
8 Crown Designs, including an exact copy of the MISS USA Crown design, Plaintiff has been and
9 will continue to be irreparably harmed unless Defendants are permanently enjoined from their
10 unlawful conduct.

11 50. Plaintiff has no adequate remedy at law.

12 51. Plaintiff is entitled to injunctive relief and an award of statutory damages with
13 respect to each separate work which has been willfully infringed.

14 **COUNT II**

15 (Willful Infringement of Registered
16 Trademarks in Violation of Section 32
of the Lanham Act, 15 U.S.C. § 1114)

17 52. Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 51,
18 as if fully set forth herein.

19 53. Defendants have infringed Plaintiff's registered MISS USA Marks by unauthorized
20 use of the MISS USA Crown design and the marks SEÑORITA MEXICO USA and MISS
21 MEXICO USA on and in connection with Defendants' pageants and services without Plaintiff's
22 permission or consent, with the intent to deceive the public, and in willful disregard of the
23 Plaintiff's rights.

24 54. Defendants' activities are likely to lead to and result in consumer confusion,
25 mistake, or deception, and are likely to cause consumers and the public to believe that Plaintiff has
26 produced, sponsored, authorized, licensed or otherwise approved Defendants' use of the MISS
27 USA Crown and MEXICO USA Marks.

(Common Law Unfair Competition)

65. Defendants' unlawful appropriation of Plaintiff's rights in its MISS USA Marks through use of the MEXICO USA Marks, unauthorized copies of the MISS USA Crown design, and images of Defendants Perez and Bolivar with Plaintiff's titleholders and one of its owners, Mr. Trump, were intended to capitalize for Defendants' own pecuniary gain on the goodwill and excellent reputation of Plaintiff and Plaintiff's MISS USA Marks, which Plaintiff has expended substantial time, resources and effort to obtain. Thereby, Defendants have been unjustly enriched and are benefiting from property rights, which rightfully belong to Plaintiff.

(Dilution Under Section 43(c)
of the Lanham Act, 15 U.S.C. § 1125(c))

68. Plaintiff's MISS USA Marks have become famous as a matter of law, and acquired such fame long before Defendants adopted and began use of the MEXICO USA Marks.

1 70. Plaintiff has been harmed and will continue to be irreparably harmed as a result of
2 Defendants' unlawful actions unless Defendants are enjoined from their unlawful conduct.

3 71. Plaintiff has no adequate remedy at law.

4 **COUNT VI**

5 (Nevada State Trademark Dilution
6 Under N.R.S. § 600.435)

7 72. Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 71,
8 as if fully set forth herein.

9 73. Plaintiff's MISS USA Marks are famous in the State of Nevada, and acquired such
10 fame long before Defendants adopted and began use of the MEXICO USA Marks.

11 74. Defendants' use of the MEXICO USA Marks and the MISS USA Crown design in
12 connection with their pageants and services harms Plaintiff's business reputation and dilutes the
13 distinctive quality of the world famous MISS USA Marks.

14 75. Upon information and belief, Defendants' use of the MEXICO USA Marks and the
15 MISS USA Crown design was willful in nature, in that Defendants intended to cause dilution of
16 the MISS USA Marks or willfully intended to trade on the Plaintiff's reputation.

17 76. As a direct and proximate result of Defendants' dilution of the MISS USA Marks,
18 Plaintiff has suffered, and will suffer, irreparable injury to its business, reputation, and goodwill.

19 77. Plaintiff has no adequate remedy at law.

20 **COUNT VII**

21 (Deceptive Trade Practices
22 Under N.R.S. § 598.0915)

23 78. Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 77,
24 as if fully set forth herein.

25 79. Upon information and belief, in the course of conducting business, Defendants
26 knowingly made false representations as to an affiliation, connection, and/or association with the
27 Plaintiff by using marks identical and/or confusingly similar to the MISS USA Marks and Crown
Designs, and otherwise engaged in deceptive trade practices.

WHEREFORE, on Count I, Plaintiff demands judgment against Defendants as follows:

B. For an order providing that Defendants, their agents, servants, employees, licensees, sponsors, associates, and attorneys, and all persons acting by, through, or in active concert with any of them, be directed immediately to recall all promotions, advertisements and other goods or materials which include a copy of any of the Crown Designs and all images incorporating elements substantially similar to the Crown Designs; and

C. For an order providing that Defendants, their agents, servants, employees, licensees, sponsors, associates, and attorneys, and all persons acting by, through, or in active concert with any of them, be directed to deliver under oath, to be impounded and destroyed, all originals, copies, facsimiles, and duplicative of all goods and materials bearing infringements of the Crown Designs and all images incorporating elements substantially similar to the Crown Designs; and

D. For an order directing the Defendants to disclose to Plaintiff the identity and location of any and all manufacturers, converters, distributors or other suppliers of products bearing infringements of the Crown Designs and all images incorporating elements substantially similar to the Crown Designs within their knowledge; and

1 E. For a judgment against Defendants for all gains, profits, and other advantages
2 derived from their willful violations of Plaintiff's copyrights, including attorney's fees, and other
3 compensatory damages as the Court determines to be fair and appropriate; and

4 F. For a judgment against Defendants for statutory damages for each infringement
5 specified herein in a minimum amount of \$30,000 per infringement, pursuant to 17 U.S.C. §505;
6 and

7 G. For a judgment against Defendants for their willful conduct, including statutory
8 damages for each infringement specified herein in a minimum amount of \$150,000 per
9 infringement along with attorney's fees pursuant to 17 U.S.C. § 505; and

10 H. For such other relief as this Court deems proper and necessary.

11 WHEREFORE, on Counts II, III, IV, V, VI, and VII, Plaintiff demands judgment against
12 Defendants on its as follows:

13 I. That Defendants, their agents, servants, employees, licensees, sponsors, associates,
14 and attorneys, and all persons acting by, through, or in active concert with any of them, be
15 permanently enjoined:

- 16 i. From using the Crown Designs, and the marks, names or titles SEÑORITA
17 MEXICO USA and MISS MEXICO USA, and the domain name
18 <missmexicousa.com>, or any name or mark confusingly similar to the
19 MISS USA Marks;
 - 19 ii. From using the Crown Designs, and marks, names or titles SEÑORITA
20 MEXICO USA and MISS MEXICO USA, the domain name
21 <missmexicousa.com>, images of Plaintiff's titleholders and Mr. Trump, or
22 committing any other act which falsely represents or which has the effect of
23 falsely representing that the goods or services of the Defendants are
24 licensed, authorized by, or in any way associated with Plaintiff;
 - 22 iii. From otherwise infringing Plaintiff's registered trademarks;
 - 23 iv. From otherwise unfairly competing with Plaintiff; and
 - 24 v. From otherwise diluting or tarnishing Plaintiff's marks and business
25 reputation.
- 26
27

1 J. That Defendants account to Plaintiff for all gains, profits and advantages derived
2 from Defendants' wrongful acts, including disgorgement of the profits unjustly earned by
3 Defendants;

4 K. That Plaintiff recover from Defendants all of Defendants' profits and all damages,
5 including lost profits, sustained by Plaintiff as a result of Defendants' wrongful acts, and such
6 other compensatory damages as the Court determines to be fair and appropriate, pursuant to
7 15 U.S.C. § 1117(a) and Nevada State law;

8 L. That Plaintiff be awarded all the costs, disbursements and attorneys' fees incurred
9 by Plaintiff in bringing this claim, pursuant to 15 U.S.C. § 1117;

10 M. That Plaintiff be awarded three times the amount of the above profits or damages,
11 whichever is greater, pursuant to 15 U.S.C. § 1117(b);

12 N. That the United States Patent and Trademark Office sustain Plaintiff's opposition
13 (No. 91168197) and refuse registration of Defendants' pending application for SEÑORITA
14 MEXICO, USA (Ser. No. 78465954);

15 O. That Defendants be required to transfer their rights in the domain name
16 <missmexicousa.com> to Plaintiff;

17 P. That Defendants be required to remove all images of Plaintiff's titleholders and
18 Mr. Trump from Defendants' Website; and

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1 Q. Such other and further relief as this Court may deem just and proper.

2 DATED: March 18, 2008.

3 LEWIS AND ROCA LLP

4
5 By: _____
6 JOHN L. KRIEGER
7 JENNIFER K. CRAFT
8 3993 Howard Hughes Parkway, Suite 600
9 Las Vegas, Nevada 89169
10 (702) 949-8200

11 MARYA LENN YEE
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15 DONOVAN & YEE LLP
16 The Soho Building
17 110 Greene Street, Suite 700
18 New York, New York 10012
19 (212) 226-7700

20 Attorneys for Plaintiff
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